

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 3:23-cv-00361-ART-CSD

Order

Re: ECF Nos. 14, 15, 18

TIMOTHY H. JOHNSON,

Plaintiff

v.

DANA MARKS, et al.,

Defendants

Plaintiff, who is a prisoner in custody of the Nevada Department of Corrections, has filed an application to proceed in forma pauperis (IFP) and amended civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF Nos. 1, 16.)

The district court screened Plaintiff's complaint and allowed him to proceed with Eighth Amendment claims for deliberate indifference to his cancer and aneurysm conditions. (ECF No. 20.) The claim about his aneurysm condition was allowed to proceed against the John or Jane Doe medical staff responsible for securing his ultrasound results when he learns their true names and obtains leave of court to substitute them as defendants. The claim about his cancer is proceeding against Dana Marks and the John and Jane Doe members of the Utilization Review Panel when Plaintiff learns their true names and obtains leave of court to substitute them as defendants. District Judge Traum stayed this matter for 90 days to allow the parties an early opportunity to settle their dispute. (*Id.*)

Plaintiff has filed an emergency motion for temporary restraining order (TRO) and/or preliminary injunction. (ECF Nos. 14, 15.) He seeks an order requiring that he see a urologist or oncologist, or both, for his cancer, and a vascular surgeon for his aortic aneurysm. (*Id.*) He has

1 also filed a motion for an order shortening time for screening and a response to the motion for
2 injunctive relief. (ECF No. 18.)

3 Within **10 days** of the date of this Order, the Attorney General's Office shall advise the
4 court whether it will enter a limited notice of appearance on behalf of Defendants for the purpose
5 of responding to Plaintiff's motion for injunctive relief. If the Attorney General's Office is
6 willing to enter a limited notice of appearance, then also within **10 days** of the date of this Order,
7 the Attorney General's Office shall file a response to Plaintiff's motion for injunctive relief.

8 The Attorney General's Office shall file under seal any **relevant** medical records.
9 Plaintiff may kite the warden's office to review any records filed under seal, and the Attorney
10 General's Office shall ensure that Plaintiff is given a reasonable amount of time to review these
11 records. Plaintiff will have **seven days** from the date he receives the response to file a reply brief.
12 The court will then determine whether to hold a hearing.

13 The Clerk of Court shall electronically serve a copy of this Order, a copy of Plaintiff's
14 complaint (ECF No. 16), a copy of the order screening the complaint (ECF No. 20), as well as a
15 copy of Plaintiff's motion for injunctive relief (ECF Nos. 14, 15) on the Nevada Attorney
16 General's Office by adding the Nevada Attorney General's Office to the docket sheet. This will
17 not constitute a general appearance.

18 Plaintiff is advised that there is still a stay entered in this case while the parties participate
19 in the court's early mediation program. As such, Plaintiff shall not file any other documents with
20 the court while the stay is in place except for his reply brief as directed in this Order.

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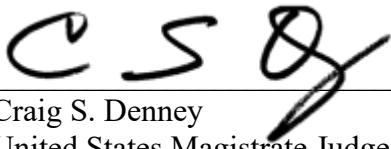
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1 To the extent the court has ordered a response within ten days of the date of this Order,
2 Plaintiff's motion for an order shortening time (ECF No. 18) is **GRANTED**.

3 **IT IS SO ORDERED.**

4 Dated: October 30, 2023

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6 Craig S. Denney
7 United States Magistrate Judge
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